

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

COMPLAINT INVESTIGATION FORM

*If there is an issue with more than one veterinarian please file a
separate Complaint Investigation Form for each veterinarian*

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Sept 11, 2020 Case Number: 21-25

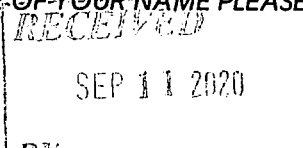
A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Julianne Miller
Premise Name: Canyon Pet Hospital
Premise Address: 1054 East Old Canyon Court
City: Flagstaff State: AZ Zip Code: 86001
Telephone: (928) 774-5197

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Kimberly Bashore
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL
RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE
REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE
COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.



C. PATIENT INFORMATION (1):

Name: Jasper Bashore
Breed/Species: Labrador / Dog
Age: 7 Sex: Male Color: Chocolate

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Cameron Folker

Jen Sullivan

Kim McGill

Stacy Carron

Holly Grams-Johnson

All above from Canyon Pet Hospital located at 1054 Old Canyon Court, Flagstaff,
AZ 86001

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Cody Bashore - Flagstaff AZ [REDACTED]

Rya Mejia - Flagstaff AZ [REDACTED]

Vince Owens - Chica CA [REDACTED]

Christine Parrish - Fillmore, CA [REDACTED]

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Kimberly A. Bashore

Date: 9/4/2020

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

On May 29, 2020 Jasper was brought in to Canyon Pet Hospital to have tumors removed and a teeth cleaning. After his surgery it was brought to my attention that not only did one the one huge tumor that has been charted and Jasper was mainly having the surgery for "missed" /NOT removed another spot on his stomach where there was NO tumor had stiches like a tumor was removed. No where in his chart/records are there any mention of how big these tumors were. As of I, (August 26, 2020), I have asked 5 different time for this information. I have asked the office manager, office direction, the owner, Chris Miller and in emails to the direct office.

This first surgery was done by Cameron Folker and also the third surgery to remove the fibrosis scar tissue that is charted as 3cm.

After this 1st surgery and his stitches were removed two sites opened when the stitches were removed, they told me as they brought Jasper to me, "oh we had to put staples in him they opened up as we took the stitches out". That was one of the first issues.

When we went back to take the staples out, they then "forgot" staples, as I was looking and found that is when I saw they had left the biggest tumor in Jasper and removed a non-tumor that was never there.

After discussions with Ericka the clinic director I was informed they would do another surgery to remove Jasper's tumor and new blood work with no cost to me. I had already paid \$930.00 for the teeth cleaning, 2 teeth being removed and 5 tumors removed (one tumor that wasn't there). On June 30th he was to go have his second surgery to remove his golf ball size tumor. It would be done by Jen Sullivan. After this sugery there was an issue, I called ans stated my concerns that evening about his pain, lumping, swelling and fluid forming immediately. I have pictures as well.

This surgery caused major issues with healing and his wound would not heal, continued to open. When he was brought in for a check, his wound completely opened and Dr. Miller ended up putting in a drain and stitching his would up. He then after had to have a bandage on and it changed daily or every other day. I had to bring him to the office and wait usually this took an hour or more. On several occasions they "forgot" about Jasper and we waited in the hot car for over 45 minutes one time and a half hour another, one day we just left and went home.

After weeks of doing this his wound was still not healing not getting better, it was draining like crazy, would seep blood and liquid through his bandage sometimes just hours after a new one was put on. Finally on or about August 1, 2020 on a bandage check it was then said that we could continue this or do another surgery and take out the huge fibrosis scar tissue and hopefully that would take care of the issue. It did not, the same thing happened all over. Draining, oozing, not healing. Weeks after I told them his wound was leaking ooze they took out his stitches anyways, put a new bandage on, that night it was not a well done bandage, the next morning as I was walking throught our living room I checked on Jasper and looked at his bandage and saw flesh. I knew instantly his would had opened. I called the clinic. Long story short, when they looked at him the doctor told me no it was where the drain had been and it hadn't healed up. That mad NO sense to me as I had not noticed that before and was sure I would have. But.

But, since they are the doctor's, even given all my concerns I AGAIN left my dog there and they sedated him AGAIN, put a stitch to close him up . I got a call a couple hours later and was then told, NO it wasn't where the drain was after all that had healed, it was the incision site opening up. The doctor said she was going to order a culture to see what was going on. That perhaps something was causing all of this and there may be a reason for Jasper's wound not healing.

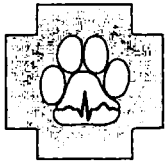
The following Friday night when I took him back for another bandage change, (there had been a couple in between that time), I was told Jasper had a massive staph infection called MRPS, that the medication he needed to treat it was expensive and since he had this infection the owner/vet now didn't feel they were responsible anymore since this infection wasn't part of the their actual mistake and they would no longer be covering the costs or doing anything about it. I was then also presented with a bill that had the culture from the previous week on it. They seemed to want to try to charge me for that now, even though the week before I was told by the vet who did the culture it would be no charge. The invoice then said after I was in disbelief about what was going on, the infection my dog had, how bad it was and how the clinic was just washing their hands of him, they changed the invoice culture to read, "professional discount". I find it unbelievable that after almost 3 months of pure negligence and mistakes by this clinic and my dog enduring all that he has and STILL has to. (He now has a fibrosis lump again in the same spot and so far his infection and incision has not healed), they decided to wash their hands of it all and state their clinic is clean and there is no way he caught this infection at their clinic. My dog wouldn't have had to endure 3 surgeries and numerous procedures had it not been for the first negligent act/mistake made by this clinic and veterinary and staff.

I had asked for Jasper's records numerous times and did not receive them. On the same Friday night of that last night Jasper was at their clinic I did finally get them via email. They were 80 pages long. They still had no vitals about his first surgery tumors and how big they all were. I was contacted by owner Chris Miller early the following Saturday morning saying he apologized for me not getting Jasper's records. I replied I had, but they were missing information, like the size of Jasper's tumors, the information on how Jasper's one visit didn't show I was told it was his drain incision opening not his incision then being told oops nope you were right his incision did open up after all. Issues like that not shown in his records, I believe to be of importance. I finally got an email from Ericka a few days ago with records, (still without that information), and these records are now 96 pages long. How does that happen???? How does your dog's records grow by 16 pages , what is going on over there and what is being added to his legal medical records? It was not the size of his tumors. I've asked and asked and till no answer.

Juilanne Miller was making the calls to no longer pay for Jasper's care as she is the owner/operator and also a vet who had a hand in Jasper's care. She was the one who didn't feel the need to speak to me herself and have another doctor/vet do it. I disagree strongly. Had the numerous mistakes not been made my dog would be healthy today. I would like action taken, medical paid and reimbursed for all care I've paid for and all of Jasper's in the future that is because of the negligence.

I am and have been beyond frustrated, angered and saddened by their actions and treatment of my dog Jasper. He has grown more anxious and needy since this began and definitely aged, he has more gray.

He is now in the care of another veterinary and again has a hard fibrosis scar in the same area. He has had a laser treatment to help the healing as of August 26, 2020. Jasper's care to get back to where he was prior to May 29, 2020 is going to continue to be costly in money, time and patience.



CANYON PET HOSPITAL

Northern Arizona's premier veterinary hospital

10/5/2020

To whom it may concern,

This letter is in response to the complaint 21-25 placed by Kim Bashore in reference to the medical treatment of her dog, Jasper at Canyon Pet Hospital.

Jasper is a 7-year-old, obese (94#) black lab that was seen originally on 4/15/20 by Dr Sullivan for a healthy pet exam where the owner complained of two masses and those two masses were noted in the medical record. A dental cleaning with multiple mass removal was schedule for 5/29/20 with Dr Folkers.

Upon check-in on 5/29/2020 the owner showed the surgical staff 3 more masses that she would like removed. All 5 masses were verbally described by the owner and were noted in the surgical record by the surgical staff however the masses were not shaved or marked in front of the owner as is the protocol as the owner did not want to get out of her car due to COVID-19. The dental cleaning with extractions and multiple mass removal was performed with no complications. The masses were removed based on the verbal information that was received from the owner upon check-in.

I was informed on 6/23/2020 by my hospital director – Erica Pillow CVT – that Ms Bashore was calling and complaining that we missed a mass on the ventral chest. Because we could not verify specifically whether the mass was missed or if this was a new mass or a pre-existing mass that the owner just noticed we decided to perform a second mass removal free of charge in good faith for the client.

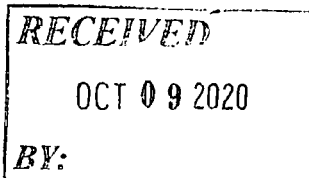
Dr Sullivan performed the mass removal on 6/30/2020 with no complications and free of charge to the client – all the other mass removal sites had healed normally at that time.

****Below is described only the exams that were performed by me specifically and does not include all the exams in their entirety** Please see the medical record for the complete history.**

I was informed on 7/20/2020 that the owner was unhappy with how the surgical site was healing and that she had been using foul language with the staff.

7/21/2020 – I rechecked the area and noted a seroma plus fibrotic tissue surrounding the surgical site. I discussed with the owner that this was because Jasper was being too active and when the patient would lay down, he would throw all his weight onto the surgical site causing trauma. I recommended a drain and a padded pressure bandage to try and pad the area so that it could heal.

7/22/2020 and 7/23/2020 – I rechecked the incision and bandage – the incision was looking better, and the fibrosis appeared to be softening somewhat but still present – recommended continuing to give the area some more time before considering a second surgery.



On 8/11/2020 I rechecked the incision from the second surgery and it appeared to be healing well. Discussed that I recommend continuing with the bandage after suture removal for a few days to try and protect the area and avoid another seroma +/- fibrotic tissue since it was healing so well at this time.

On 8/18/2020 I rechecked the incision and noted serosanguinous discharge from the cranial portion of the incision with a draining tract from the incision and from the previous drain hole. I suspected a resistant bacterium and SMZ's were prescribed pending the culture results. It was discussed with the owner in detail by Erica Pillow CVT – hospital director - that due to the ongoing post-op complications from a very routine mass removal and the likelihood now of a resistant bacterial infection we would have to discuss the fact that we could no longer be providing all of our services free of charge. We had been providing the free services in good faith, but at this time we no longer felt obligated to continue providing our services for free.

On 8/24/2020 the owner was informed that the culture came back as MRSP and that we needed to prescribe Baytril. It was discussed again at this time that we no longer felt obligated to continue to provide our services for free and that we were requiring the owner to pay for the antibiotics today. At that time, the owner became incredibly angry, was no longer willing to communicate effectively with us, paid for the antibiotics and left the building. That was last time we saw the patient.

RECORDS REQUESTS

The owner requested records on the following dates:

1. 7/20/2020
2. 8/19/2020
3. 8/22/2020
4. 8/24/2020

Records were sent to the owner in their entirety on all the dates.

COSTS COVERED BY CANYON PET HOSPITAL

In total Jasper came into the clinic 24 times between 4/15/2020 and 8/21/2020 and was seen by all 9 doctors at the practice.

In TOTAL we Canyon Pet Hospital provided \$2881.42 of free services

Please see attached cost chart

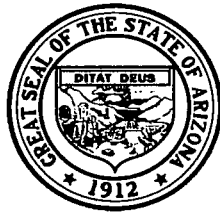
At no time did Canyon Pet Hospital tell the owner that we would not continue to treat Jasper – it was the decision of the owner to go to another veterinarian once we informed her that we no longer felt obligated to continue to treat the patient for free.

****Due to the COVID-19 pandemic, a majority of the communications with the owner were with her sitting in her car in our parking lot or over the phone****

Sincerely,

Julianne Miller DVM





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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Robert Kritsberg, DVM - Chair
Christina Tran, DVM
Carolyn Ratajack
Jarrod Butler, DVM - **Absent**
Steven Seiler

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Marc Harris, Assistant Attorney General

RE: Case: 21-25
Complainant(s): Kimberly Bashore
Respondent(s): Julianne Miller, DVM (License: 4731)

SUMMARY:

Complaint Received at Board Office: 9/15/20
Committee Discussion: 2/2/21
Board IIR: 3/1725/21

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow)

On May 29, 2020, "Jasper," a 7-year-old male Labrador was presented to Dr. Folkers for a dental and mass removal. The procedures were performed and the dog was discharged.

On June 30, 2020, the dog was presented to Dr. Folker's associate for an additional mass removal that Complainant stated was missed at the May 29, 2020 surgery. Complainant was not charged for the mass removal or subsequent services.

The incision site had difficulties healing due to the dog causing trauma to the incision. A culture was eventually performed and revealed MRSP. Complainant was advised that the premises no longer felt obligated to continue to provide services free of charge. Complainant became angry and elected to have services provided elsewhere.

Dr. Miller is the responsible veterinarian for the premises.

Complainant was noticed and appeared telephonically.
Respondent was noticed and appeared telephonically.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Kimberly Bashore*
- Respondent(s) narrative/medical record: *Julianne Miller, DVM*

PROPOSED 'FINDINGS of FACT':

1. On April 15, 2020, the dog was presented to Canyon Pet Hospital and was seen by Dr. Sullivan. Based on her exam, Dr. Sullivan recommended the dog have a dental performed and the two masses Complainant wanted evaluated could be removed at that time. Dr. Sullivan suspected the masses to be lipomas and could wait to be removed until Complainant was ready. The masses were located on the ventral abdomen – quarter to golf ball size – and right caudomedial thigh – quarter sized.

2. On May 29, 2020, the dog was presented to Dr. Folkers for a dental and mass removal. Complainant requested that five masses be removed, as opposed to the original two masses that were evaluated by Dr. Sullivan in April. Dr. Folkers explained that their protocol for mass removals is to have the pet owner show staff which masses are to be removed and staff will either mark them with a sharpie or shave the locations where the masses are to be removed. In this case, Complainant declined to come inside the premises to identify the masses to be removed due to COVID concerns – instead the pet owner gave a verbal description of the mass locations to technical staff.

3. Upon exam, the dog had a weight = 93.4 pounds, a temperature = 103.7 degrees, a heart rate = 150bpm, a respiration rate = pant, and a BCS 5/9. Blood was collected for testing – within normal limits; an IV catheter was placed and the dog was started on Lactated Ringers Solution, pre-medicated with torbutrol, induced with propofol and maintained on isoflurane and oxygen. Dr. Folkers performed the dental procedure and removed both upper carnassial teeth due to slab fractures. He then removed the fatty masses Complainant requested to be removed: Medial/caudal right thigh, medial chest, two at the left axilla, and left should just off of left axilla.

4. Dr. Folkers called Complainant after the procedures were performed to discuss his findings. The dog was discharged later that day with clindamycin, carprofen and tramadol. At pick up, technical staff went over the discharge instructions in detail with Complainant.

5. On June 6, 2020, Complainant requested medications to be refilled.

6. On June 8, 2020, the dog was presented to technical staff for suture removal. Sutures were removed from all five sites however Dr. Folkers did place staples on the dog's elbow and chest – Complainant was to return in 10 days for removal.

7. On June 23, 2020, Complainant called the premises upset that one of the masses she wanted removed, was not removed on May 29, 2020. Staff apologized and advised Complainant that they would have a manager reach out to her the next day.

8. On June 24, 2020, Ms. Pillow called Complainant to discuss her concerns. It appeared that technical staff was not thorough with marking or identifying the masses Complainant wanted removed. Ms. Pillow spoke with Dr. Miller, the responsible veterinarian for the premises about

Complainant's concerns. Dr. Miller approved the mass to be removed at no charge and recheck blood work as well. The mass removal was scheduled to be removed by Dr. Sullivan who originally saw the dog.

9. On June 30, 2020, the dog was presented to Dr. Sullivan for the mass removal on the right side of the thorax. It was described as a golf ball sized fatty lump on the dog's ventral thorax/abdomen. The dog was examined, blood work was performed, and an IV catheter was placed and fluids started. The dog was pre-medicated, induced and maintained on isoflurane and oxygen. The surgery was performed and the dog recovered uneventfully. All other incision sites were healed. The dog was discharged later that day with carprofen and instructions to return in 10 days for staple removal. The surgery was performed at no charge to Complainant.

10. On July 3, 2020, Complainant emailed the hospital manager, Ms. Pillow, with concerns the dog's incision was not healing well and the dog was uncomfortable. It was explained that incision site may require a bandage, as well as limiting the dog's activity.

11. On July 12, 2020, the dog was presented to the premises for staple removal. After looking at the incision, Dr. Folkers recommended leaving the staples in another 7 days due to a mild seroma and incomplete healing of the incision site. It was also recommended to apply warm compresses against the site twice a day and placing a t-shirt on the dog to help with the oozing.

12. On July 15, 2020, the dog was presented to the premises for a recheck. Complainant reported that the seroma had increased in size. Technical staff advised Complainant that the doctors felt the dog was stable at that time and not concerned about infection. The dog continuously lays on the incision site, affecting the healing. Recommendations were made to keep the dog calm, applying warm compresses, putting a t-shirt on the dog, and refilling the NSAID.

13. On July 20, 2020, Complainant called the premises expressing her dissatisfaction with their services. Complainant was offered an appointment but declined. She was using foul language and wanted management to call her back. Complainant requested a copy of the dog's medical records so she could consider taking the dog elsewhere. Ms. Pillow returned Complainant's call and advised that Dr. Miller would see the dog to address the seroma.

14. On July 21, 2020, Dr. Miller examined the dog; weight = 95 pounds, temperature = 103.3 degrees, heart rate = 120bpm, respiration rate = pant, and BCS 8/9. Dr. Miller noted that the incision site was thickened and was still producing some fluid discharge. Every time the dog lays down, he lays on the incision which is impeding healing. Dr. Miller recommended placing a drain, suturing the incision and applying a bandage. She further recommended changing the bandage daily and dispensing Clavamox. No charge to Complainant.

15. The dog returned nine times for bandage changes and incision assessment at no cost to Complainant.

16. On August 1, 2020, Dr. Folkers performed surgery on the dog to remove fibrosis. The dog was examined (weight – 95 pounds; temperature – 101.8 degrees; heart rate – 120bpm; respiration rate – 150rpm), blood work was performed and IV fluids were started. The dog was pre-

medicated, induced and intubated – surgery was performed using a laser. An elliptical incision was made around the area of fibrosis and then removed. A drain was placed in the area of pocketing and the skin was closed using a non-absorbable suture. A body bandage was placed and the dog recovered uneventfully. The dog was discharged later that day with carprofen and cephalexin. There were no costs to Complainant for these services.

17. On August 4, 2020, the dog was presented to the premises for a recheck. There was a large amount of draining present and the incision was healing well. A new bandage was applied and the dog was discharged.

18. The dog continued to return for bandage changes and rechecks every day or every other day. The drain was removed on 8/5/20. Sutures were removed on 8/14/20. All treatment was provided at no charge to Complainant.

19. On August 15, 2020, the dog was presented to Dr. Johnson-Grams where it was noted that there was a 2 cm opening at the cranial aspect of the incision with a moderate amount of serous exudate. The rest of the incision appeared well-healed. Dr. Johnson-Grams took a culture sample of the dehiscent incision to look for resistant bacteria. The dog was sedated, incision cleaned, and a single suture was placed, leaving a small opening for continued drainage; bandage applied. No charge to Complainant.

20. On August 18, 2020, Dr. Miller evaluated the dog. The bandage was slipping and had a foul odor. The incision was cleaned, a new bandage was applied and SMZ was dispensed until the culture returned. No charge to Complainant.

21. On August 19, 2020, the dog was seen for a bandage change. Complainant requested a copy of the dog's medical records which were mailed to her.

22. On August 21, 2020, the dog was presented to Dr. Johnson-Grams for a bandage change. She reported to Complainant that the culture results showed MRSP infection which likely explained why the healing process had been delayed despite their best efforts and diligent incision care. Complainant expressed concerns that the dog obtained the infection from the premises. Dr. Johnson-Grams explained that there was no way to determine where the infection came from and is becoming a common post-op complication. She started the dog on Baytril for two weeks based on the culture results. Complainant was informed that she would need to pay for the services provided that day, and all subsequent services, since the infection was not a result of the initial surgical error. Complainant became upset and stated she would not be returning to the premises. She requested the dog's medical records again.

23. On August 24, 2020, Complainant requested the dog's records again, which were emailed to her.

COMMITTEE DISCUSSION:

The Committee stated that after obtaining testimony from Complainant and Respondent, they did not feel there was a violation of the Veterinary Practice Act.

The Committee commented that they could understand the frustration on the pet owner's part. They initially thought the culture should have been performed earlier. However, if there was no sign of infection, then it was understandable a culture was not performed until later.

It was hard to determine where the infection came from making it had to place blame.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation

Vote: The motion was approved with a vote of 4 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division